

Form FmHA 410-9  
(Rev. 8-95)

Position 3

UNITED STATES DEPARTMENT OF AGRICULTURE

### STATEMENT REQUIRED BY THE PRIVACY ACT

The Rural Economic and Community Development (RECD) is authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et. seq.); and Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471 et. seq.) or other Acts administered by RECD to solicit the information requested on RECD application forms.

Disclosure of information requested is voluntary. However, failure to disclose certain items of information requested, including your Social Security Number or Federal Identification Number, may result in a delay in the processing of an application or its rejection.

The principal purposes for collecting the requested information are to determine eligibility for RECD credit or other financial assistance, the need for interest credit or other servicing actions, for the servicing of your loan, and for statistical analysis. Information provided may be used outside of the Department of Agriculture for the following purposes:

1. Referral to interested parties who submit requests under the Freedom of Information Act (FOIA), unless disclosure is prohibited by a FOIA exemption.
2. Referral to a Federal Records Center for storage.
3. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.
4. A record from this system of records may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
5. Disclosure may be made of names, home addresses, social security numbers, and financial information to business firms in a trade area that buy chattel or crops or sell them for commission. This is in order that RECD may benefit from the purchaser notification provisions of Section 1324 of the Food Security Act of 1985 [7 U.S.C. 163(e)]. The Act requires that potential purchasers of farm commodities must be advised ahead of time that a lien exists in order for the creditor to perfect its lien against such purchases.
6. Disclosure of the name, home address, and information concerning default on loan repayment when the default involves a security interest in tribal allotted or trust land. Pursuant to the Cranston-Gonzales National Affordable Housing Act of 1990 (42 U.S.C. 12701 et. seq.), liquidation may be pursued only after offering to transfer the account to an eligible tribal member, the tribe, or the Indian Housing Authority serving the tribe(s).
7. Referral of names, home addresses, social security numbers, and financial information to a collection or servicing contractor, financial institution, or a local, State, or Federal agency, when RECD determines such referral is appropriate for servicing or collecting the borrower's account or as provided for in contracts with servicing or collections agencies.
8. It shall be a routine use of the records in this system of records to disclose them in a proceeding before a court or adjudicative body, when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the agency collected the records.
9. Referral of name, home address, and financial information for selected borrowers to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, when RECD determines such referral is appropriate to encourage the borrower to refinance their RECD indebtedness by Title V of the Housing Act of 1949, as amended [42 U.S.C. 1471].
10. Referral of legally enforceable debts to the Department of the Treasury, Internal Revenue Service (IRS), to be offset against any tax refund that may become due the debtor for the tax year in which the referral is made, in accordance with the IRS regulations at 26 CFR 01.6402-6T, Offset of Past Due Legally Enforceable Debt against Overpayment, and under the authority contained in 31 U.S.C. 3720A.
11. Referral of information regarding indebtedness to the Defense Manpower Data Center, Department of Defense, and the United States Postal Service for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the RECD in order to collect debts under the provisions of the Debt Collection Act of 1982 [5 U.S.C. 5514] by voluntary repayment administrative or salary offset procedures, or by collection agencies.

To be used to meet the notification requirements of 5 U.S.C. 552a(e)(3) which provide that all individuals requested to furnish information will be informed of the authority under which the information is requested, consequences of not providing the information and the uses to which the information may be put.

(see reverse)

PROCEDURE FOR PREPARATION : FmHA Instructions 1910-A and 2015-E, Ex. C.

PREPARED BY : Signed by applicant.

NUMBER OF COPIES : Original and one.

SIGNATURES REQUIRED : Applicant.

DISTRIBUTION OF COPIES : Original returned to applicant; copy retained in applicant/borrower file

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12. Referral of names, home addresses, and financial information to lending institutions when RECD determines the individual may be financially capable of qualifying for credit with or without a guarantee.
  13. Disclosure of names, home addresses, social security numbers, and financial information to lending institutions that have a lien against the same property as RECD for the purpose of the collection of the debt. These loans can be under the direct and guaranteed loan programs.
  14. Referral to private attorneys under contract with either RECD or with the Department of Justice for the purpose of foreclosure and possession actions and collection of past due accounts in connection with RECD.
  15. It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.
  16. Referral of names, home addresses, social security numbers, and financial information to the Department of Housing and Urban Development (HUD) as a record of location utilized by Federal agencies for an automatic credit prescreening system.
  17. Referral of the names, home addresses, social security numbers, and financial information to the Department of Labor, State Wage Information Collection Agencies, and other Federal, State, and local agencies, as well as those responsible for verifying information furnished to qualify for Federal benefits, to conduct wage and benefit matching through manual and/or automated means, for the purpose of determining compliance with Federal regulations and appropriate servicing actions against those not entitled to program benefits, including possible recovery of improper benefits.
  18. Referral of names, home addresses, and financial information to financial consultants, advisors, or underwriters, when RECD determines such referral is appropriate for developing packaging and marketing strategies involving the sale of RECD loan assets.
  19. To provide the basis for borrower success stories in Department of Agriculture news releases.
  20. Referral to a credit reporting agency.
- Every effort will be made to protect the privacy of applicants and borrowers.

### FEDERAL EQUAL CREDIT OPPORTUNITY ACT STATEMENT

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency which administers compliance with this law concerning Rural Economic and Community Development services is the Federal Trade Commission, Pennsylvania Avenue at Sixth Street N.W., Washington, DC 20580.

This is to acknowledge my receipt of the above and also, in the case of applicants for business and industry, limited profit rural rental housing and emergency loans to other than individuals, that I have read the reverse of this form, and accept the conditions stated thereon.

\_\_\_\_\_  
APPLICANT (Signature)

\_\_\_\_\_  
CO-APPLICANT (Signature)

\_\_\_\_\_  
DATE

Rural Economic and Community Development services  
are Equal Opportunity Lenders  
Complaints of discrimination should be sent to:  
Secretary of Agriculture, Washington, DC 20250

### WARNING

All information supplied to Rural Economic and Community Development (RECD) by you or your agents in connection with your loan application may be released to interested third parties, including competitors, without your knowledge or consent under the provision of the Freedom of Information Act (5 U.S.C. 552).

Much information not clearly marked "Confidential" may be released routinely if a request is received for same. Further, if we receive a request for information which you marked "Confidential," the Federal Government will have to release the information unless you can demonstrate to our satisfaction that release of the information would be likely to produce substantial competitive harm to your business or would constitute a clearly unwarranted invasion of personal privacy. Also, forms, consultant reports, etc., cannot be considered confidential in their entirety if confidential material contained therein can be reasonably segregated from other information.

Information submitted may be made available to the public during the time it is held in Government files regardless of the action taken by RECD on your application.